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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BRAND LITTLE and ROBIN BURNS,
 Individually and on Behalf of All Others Similarly
 Situated,

Plaintiffs,

v.

**PACIFIC SEAFOOD PROCUREMENT, LLC;
 PACIFIC SEAFOOD PROCESSING, LLC;
 PACIFIC SEAFOOD FLEET, LLC; PACIFIC
 SEAFOOD DISTRIBUTION, LLC; PACIFIC
 SEAFOOD USA, LLC; DULCICH, INC.;
 PACIFIC SEAFOOD – EUREKA, LLC;
 PACIFIC SEAFOOD – CHARLESTON, LLC;
 PACIFIC SEAFOOD – WARRENTON, LLC;
 PACIFIC SEAFOOD – NEWPORT, LLC;
 PACIFIC SEAFOOD – BROOKINGS, LLC;
 PACIFIC SEAFOOD – WESTPORT, LLC;
 PACIFIC SURIMI – NEWPORT LLC; BLUE
 RIVER SEAFOOD, INC.; SAFE COAST
 SEAFOODS, LLC; SAFE COAST SEAFOODS
 WASHINGTON, LLC; OCEAN GOLD
 SEAFOODS, INC.; NOR-CAL SEAFOOD,
 INC.; KEVIN LEE; AMERICAN SEAFOOD
 EXP, INC.; CALIFORNIA SHELLFISH
 COMPANY, INC.; ROBERT BUGATTO
 ENTERPRISES, INC.; ALASKA ICE
 SEAFOODS, INC.; LONG FISHERIES, INC.;
 CAITO FISHERIES, INC.; CAITO
 FISHERIES, LLC; SOUTHWIND FOODS,
 LLC; FISHERMEN’S CATCH, INC.;
 GLOBAL QUALITY FOODS, INC.; GLOBAL
 QUALITY SEAFOOD LLC; OCEAN KING**

Case No. 3:23-cv-01098-AGT

**DECLARATION OF STUART G.
 GROSS IN SUPPORT OF
 PLAINTIFFS’ MOTION TO
 QUASH DEFENDANTS’
 SUBPOENAS TO PUTATIVE
 CLASS MEMBERS AND FOR
 OTHER RELIEF**

Date: December 12, 2025
 Time: 10:00 a.m.
 Courtroom: A, 15th Floor
 Judge: Alex G. Tse

**REDACTED VERSION OF
 DOCUMENTS SOUGHT TO BE
 FILED UNDER SEAL**

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**FISH INC.; BORNSTEIN SEAFOODS, INC.;
ASTORIA PACIFIC SEAFOODS, LLC; DA
YANG SEAFOOD INC.; GREAT OCEAN
SEAFOOD INC.; and DOES 32-60,**

Defendants.

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1 I, Stuart G. Gross, declare as follows:

2 1. I am a principal at Gross Klein PC and counsel for Plaintiffs. I submit this
3 declaration in support of Plaintiffs' Motion to Quash Defendants' Subpoenas to Putative Class
4 Members and for Other Relief ("Plaintiffs' Motion to Quash"). If called as a witness, I could and
5 would truthfully testify to the following based on my personal knowledge and review of relevant
6 materials.

7 2. During the 2024/25 season, Defendants and non-defendant Pacific Dream Seafood
8 collectively represented approximately 68% of the Dungeness crab ex vessel market in California,
9 Oregon, and coastal Washington (collectively, the "Pacific NW Area").

10 3. Following the lifting of the discovery stay, Plaintiffs and Defendants have served
11 on each other numerous requests for production of documents and interrogatories.

12 4. The production of text messages in a usable format has not been straight forward
13 in this case, and several of the Defendants, despite the assistance of experienced counsel and e-
14 discovery vendors, have struggled to manage the extraction, review and production of text
15 messages like those sought by the subpoenas.

16 5. In addition to discovery on the other parties in this action, both Plaintiffs and
17 Defendants have served numerous subpoenas on third parties. A true and correct copy of
18 Plaintiffs' March 4, 2025 notice of subpoenas to certain third-party buyers is attached hereto as
19 Exhibit A. A true and correct copy of Defendants' April 11, 2025 notice of subpoenas to certain
20 third-parties is attached hereto as Exhibit B.

21 6. On October 22, 2025 Counsel for Pacific Seafood, on behalf of all Defendants,
22 served a notice of subpoenas, attaching a list of 61 individual recipients, 58 of which are members
23 of the putative class. A true and correct copy of the notice of subpoenas and one of the subpoenas
24 attached thereto is attached hereto as Exhibit C. The subpoenas all included identical requests for
25 each of the putative class members.

26 7. Counsel for Defendants did not contact Plaintiffs' counsel or seek leave of the
27 Court prior to serving the notice of subpoenas.
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1 8. Pacific Seafood, on behalf of all Defendants, began serving the subpoenas on
2 putative class members, on or around Monday October 27, 2025.

3 9. Pacific Seafood included a cover letter with the subpoenas, a copy of which was
4 provided to Plaintiffs by a subpoena recipient who wished to remain anonymous, for fear of
5 losing his ability to sell crabs as punishment by Defendants for speaking out. A true and correct
6 copy of the cover letter is attached hereto as Exhibit D.

7 10. Plaintiffs' counsel and Plaintiff Little began receiving calls from putative class
8 members who expressed their concern and confusion over receiving a subpoena while they're
9 preparing for the upcoming Dungeness crab season.

10 11. Some of the subpoena recipients have been involved in the commercial Dungeness
11 crab fishery for many decades. For example, John Tarantino, whom I represented as a lead
12 plaintiff in a certified class action arising out of the 2007 Cosco Busan Oil Spill, began
13 commercially fishing for Dungeness crabs in the San Francisco fishery over fifty years ago.

14 12. Many crabbers participate in multiple fisheries in addition to the Dungeness crab
15 fishery.

16 13. At least six of the subpoenaed recipients have been represented by the undersigned
17 in other multi-plaintiff, class actions, and/or representative actions that involved multiple
18 members of the Pacific NW Area commercial fishing fleet, making it virtually certain that within
19 their communications with other crabbers are privileged, common interest, and joint
20 representation communications. Several of those actions touched on issues related to the ex vessel
21 price of Dungeness crab.

22 14. I have represented Dungeness crab fishermen for almost 20 years, and, in my
23 experience, commercial Dungeness crab fishermen, with some exceptions, do not have the
24 resources necessary to hire counsel on an hourly basis. Thus, I would expect that many of the
25 targeted putative class members would not have the resources necessary to hire an attorney to
26 assist them in responding to the subpoenas.

27 15. Several of the putative class members to whom subpoenas were issued are known
28 to have spoken out against the conduct of Pacific Seafood and other Defendants.

1 16. Only four of the 58 subpoenaed putative class members were involved in specific
2 events alleged in the operative complaint. Plaintiffs disclosed the names of those crabbers in
3 interrogatory responses provided to Defendants.

4 17. On October 29, 2025 Defendants agreed not to serve the subpoenas on any
5 putative class member that had not yet been served, to send a letter to each putative class member
6 who had been served explaining that they need not respond to the subpoena while Plaintiffs'
7 objections to it were unresolved, to segregate any documents produced by a putative class
8 member to them while this motion is pending, and to return such documents in the event that this
9 motion is successful. A true and correct copy of the email exchange between counsel for
10 Plaintiffs and Defendants wherein the agreement was reached is attached hereto as Exhibit E.

11 18. In a previous meet and confer call that occurred on October 28, 2025 counsel for
12 Pacific Seafood indicated that the subpoenaed putative class members were chosen by Defendants
13 based on a rough criteria according to which it was hoped a rough representative sampling of
14 putative class members, of which he estimated there to be approximately 1400, who had sold to
15 the various Defendants in various implicated ports would be attained, but indicated that several of
16 the recipients had already reached out to Pacific Seafood's counsel to indicate that they have not
17 fished commercially for Dungeness crab in many years.

18 19. During the meet and confer call, counsel for Pacific Seafood, when asked why it
19 was necessary for Defendants to subpoena the documents sought from the targeted putative class
20 members, indicated, in summary, that Defendants wanted to prove that crabbers frequently
21 communicate amongst themselves about the prices offered by buyers, and essentially play the
22 buyers, including Defendants, off each other to get higher prices, and that Defendants need to
23 communicate with each other to verify whether what crabbers were saying about offered prices
24 was true, which thus explains the communications between buyers regarding price that Plaintiffs
25 have uncovered.

26 20. In no light, could many of the buyer-to-buyer communications uncovered thus far
27 by Plaintiffs be characterized as mere efforts by buyers to confirm each other's pricing as
28 represented to them by crabbers.

DECLARATION OF STUART G. GROSS IN SUPPORT OF PLAINTIFFS' MOTION TO QUASH DEFENDANTS' SUBPOENAS TO PUTATIVE CLASS MEMBERS AND FOR OTHER RELIEF: Case No. 3:23-cv-01098-AGT

1 starting on January 17, 2021, in those ports, and, with some minor variation, maintained the price
2 for the remainder of January.

3 24. As a further example, attached hereto as Exhibit H are true and correct copies of a
4 text message string dated December 21, 2022 through January 14, 2023 between [REDACTED]
5 [REDACTED] The
6 phone numbers used to send and receive the texts have been verified by Defendants as belonging
7 to [REDACTED] respectively. The text messages have been designated highly
8 confidential and were formatted by Plaintiffs' counsel for easier review.

9 25. In the text string, [REDACTED]
10 [REDACTED]
11 [REDACTED]
12 [REDACTED]
13 [REDACTED]
14 [REDACTED]
15 [REDACTED]
16 [REDACTED]
17 [REDACTED]
18 [REDACTED]
19 [REDACTED]
20 [REDACTED] This corroborates allegations
21 in the Third Amended Complaint ("TAC"), Dkt. 394 ¶¶ 204-26.

22 26. [REDACTED]
23 [REDACTED]
24 [REDACTED] (On December 22, 2022, the California
25 Department of Fish and Wildlife had announced that California's commercial Dungeness crab
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1 fleet was allowed to begin deliveries on December 31, 2022.¹)

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13 28. This continued until, mid-January, when, as alleged in the TAC, finally Pacific
14 Seafood offered an ex vessel price. *See* Dkt. 395 ¶ 224 (“Finally, on or around January 13, 2023,
15 Pacific Seafood offered to pay \$3.00/lb. for the first 400,000 lbs. with the price then dropping to
16 \$2.25, giving the crabbers twelve hours to accept the deal.”).

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25 ¹See [https://wildlife.ca.gov/News/Archive/cdfw-opens-commercial-dungeness-crab-fishery-](https://wildlife.ca.gov/News/Archive/cdfw-opens-commercial-dungeness-crab-fishery-statewide-but-continues-partial-recreational-crab-trap-restriction)
26 [statewide-but-continues-partial-recreational-crab-trap-restriction](https://wildlife.ca.gov/News/Archive/cdfw-opens-commercial-dungeness-crab-fishery-statewide-but-continues-partial-recreational-crab-trap-restriction) (last visited 11/6/25).
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29. A selection of records produced by the California Department of Fish and Wildlife, a true and correct copy of which is attached hereto as Exhibit I, show that, despite California Department of Fish and Wildlife authorizing the commercial landing of Dungeness crab starting on December 31, 2022, with the exception of a single purchase by Caito on December 31, 2022, no buyer made an ex vessel purchase of crab in any California port north of the Sonoma/Mendocino county line until Pacific Seafood set the ex vessel price as described above. Once Pacific Seafood set the price, these records show that Defendants Pacific Seafood, Safe Coast, Caito, Ocean Gold Seafood, Inc., and Fisherman's Catch, Inc., all paid the same \$2.25/lb. to crabbers in those ports, from January 19, 2023 until January 30, 2023, while during the same period, various non-defendants (a selection of whom are highlighted in yellow in Exhibit I) paid higher ex vessel prices in those ports.

30. A selection of records produced by the Oregon Department of Fish and Wildlife, a true and correct copy of which is attached as Exhibit J, show that, when Oregon ports opened on January 15, 2023, [REDACTED]

31. As alleged in the TAC, in advance of the opening of the 2022-23 season, Plaintiff Brand Little vocally criticized the manipulation of the Dungeness ex vessel crab market Pacific Seafood and the other Defendants, and, in particular, their coordinated refusal to even state, prior to the season opener, a price at which they would buy crab; and, as a result, he blackballed by Pacific Seafood and other Defendants. *See* Dkt. 394 ¶¶ 12, 214-16, 443-44. The following portion of the text string between [REDACTED] discussed above and attached as Exhibit H captures these events in real time:

⁴ Washington's coastal (non-Puget Sound) commercial Dungeness crab fishery did not open until February 1, 2023.

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1 [REDACTED]
2 [REDACTED]
3 [REDACTED]
4 [REDACTED]
5 [REDACTED]
6 [REDACTED]
7 [REDACTED]

8 32. Exhibits F and H represent just a small sampling of price-fixing communications
9 between Defendants uncovered thus far.

10 I declare under the penalty of perjury under the laws of the United States of America and
11 the State of California that the foregoing is true and correct.

12
13 Executed on November 7, 2025.

14 By: /s/ Stuart G. Gross
15 STUART G. GROSS
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